

1 Amend 2 Cal. Code Regs. section 18944.2 to read:

2 **§ 18944.2. Gifts to an Agency.**

3 (a) A payment, which is a gift as defined in Government Code ~~Section~~ section
4 82028, shall be deemed a gift to a public agency, and not a gift to a public official, if all
5 of the following requirements are met:

6 (1) The agency receives and controls the payment. For purposes of this section,
7 an agency receives and controls a payment even when a monetary payment for goods or
8 services, including airfare and lodging, is made directly to the vendor of the goods or
9 services, so long as the agency receives and controls the use of the goods or services.

10 (2) The payment is used for official agency business.

11 (3) The agency, in its sole discretion, determines the specific official or officials
12 who shall use the payment. However, the donor may identify a specific purpose for the
13 agency's use of the payment, so long as the donor does not designate the specific official
14 or officials who may use the payment.

15 (4) The agency memorializes the payment in a written public record which
16 embodies the requirements of subdivisions (a)(1) to (a)(3) of this regulation set forth
17 above and which:

18 (A) Identifies the donor and the official, officials, or class of officials receiving or
19 using the payment;

20 (B) Describes the official agency use and the nature and amount of the payment;
21 and

22 (C) Is filed with the agency official who maintains the records of the agency's
23 statements of economic interests where the agency has a specific office for the

1 maintenance of such statements, or where no specific office exists for the maintenance of
2 such statements, at a designated office of the agency, and the filing is done within 30
3 days of the receipt of the payment by the agency.

4 (b) Notwithstanding subdivisions (a)(3) and (a)(4) of this regulation, a donation
5 to a California public college or university for a specific research project which is
6 received consistent with the requirements of California Code of Regulations, ~~Title~~ title 2,
7 ~~Section~~ section 18702.4(c) and for meals received in the course of an official fundraising
8 activity, which qualify under federal and state law for a deduction as a charitable
9 contribution for educational purposes, will be deemed a gift to the college or university.

10 COMMENTS:

11 1. For acts of "neighborliness," also see ~~In re Cory~~ In re Cory (1975) 1 FPPC
12 Ops. 153 (No. 75 094 B) and ~~In re Stone~~ In re Stone (1977) 3 FPPC Ops. 52 (No. 77
13 003).

14 2. Acceptance of a pass or discount from a transportation company by a public
15 officer, other than a Public Utilities Commissioner, may result in forfeiture of the
16 official's office pursuant to ~~Article~~ article XII, ~~Section~~ section 7 of the California
17 Constitution.

18 NOTE: Authority: Section 83112, Government Code. Reference: Sections 82028,
19 82030, 82044, 87100, 87103, 87207, 87302 and 89501 through 89506, Government
20 Code.